

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

KITTY GRAHAM,

Plaintiff,

VS.

THE COLONIAL BANCGROUP, INC.

and COLONIAL BANK, N.A.,

Defendant.

CIVIL ACTION NO.:

2:06CV270-WKW

DRB Magistrate Judge Assigned

DEFENDANTS' MOTION TO SUBSTITUTE AFFIDAVIT

COME NOW Defendants, Colonial Bank, N.A. and The Colonial BancGroup, Inc. (collectively, “Colonial”) and, respectfully move the Court to substitute the attached affidavit of Tara Gibson in place of the affidavit of Tara Gibson previously filed as Exhibit C to Colonial’s August 21, 2006 summary judgment motion. (Doc. No. 17). Colonial inadvertently submitted as Exhibit C a previous affidavit by Tara Gibson filed in support of its earlier summary judgment motion (Doc. no. 16).

Respectfully submitted this 4th day of October, 2006.

/s/Christopher W. Weller
Christopher W. Weller (WEL030)
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**THE COLONIAL BANCGROUP, INC. &
COLONIAL BANK, N.A.**
David B. Byrne, Jr. (ASB-0354-R69D)
General Counsel
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Montgomery, Alabama 36104

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel of record *via*
U.S. Mail:

Kitty Graham, Pro Se
P.O. Box 240597
Eclectic, Alabama 36024

DONE this the 4th day of October, 2006.

/s/Christopher W. Weller
Of Counsel